

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERNEST PORTER,)	
)	
Plaintiff,)	Civil Action No. 09-549
)	
v.)	Senior Judge Ambrose
)	Magistrate Judge Bissoon
JEFFREY A. BEARD, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Ernest Porter ("Plaintiff") is an inmate at the State Correctional Institution at Greene ("SCI-Greene") who has filed a civil rights action pursuant to the provisions of 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On July 26, 2010, Plaintiff moved for a preliminary injunction (Doc. 61), asserting that he has not been provided replacement materials for a medicine bag required by his religion, that was thrown away by a corrections officer. (Doc. 61). On August 12, 2010, the magistrate judge issued a report and recommendation (Doc. 67), recommending that a preliminary injunction be denied. Specifically, the magistrate judge found that Plaintiff could not demonstrate a reasonable probability of success on the merits, as Plaintiff's own exhibits demonstrated that he had been offered an envelope of replacement materials that had been filled and prepared by "Native American Hoop members," and that Plaintiff refused delivery of this envelope because it

was being delivered by the prison's contract chaplain, who is not Native American. (Doc. 61-3)
at 3. On August 25, 2010, Plaintiff filed objections to the Report. (Doc. 68).

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and Plaintiff's objections thereto, this Court will deny the above-mentioned motion for preliminary injunction, and will adopt the magistrate judge's Report as the opinion of this Court.

AND NOW, this 14th day of January, 2011,

IT IS HEREBY ORDERED that the Plaintiff's motion for preliminary injunction (Doc. 61) is DENIED.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Doc. 67) is adopted as the opinion of this Court on the matter.

BY THE COURT:



DONETTA W. AMBROSE
SENIOR UNITED STATES DISTRICT JUDGE

cc:
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